THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 13982 of 1997

DATED: 08-02-2007

Between:-

Sri L. Muralikrishna s/o L.Ch. Gurunarayana, aged about 23 years, occ: Temple Clerk, R/o H.No. LIG-619, KPHB Colony, Kukatapally, Hyderabad 072

…Petitioner

And

1. The Deputy Commissioner of Endowments, Endowments Department, Hyderabad,
2. The Assistant Commissioner of Endowments, Rangareddy District at Hyderabad
3. The Executive Officer, Sri Padmavathi Venkateshwara Swamy Devasthanam, Kushaiguda, ECIL X Road, Hyderabad, Rangareddy District.

…Respondents

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O R D E R

The petitioner was appointed as a Temple Clerk, in the third respondent institution, in the month of March, 1994. He was given consolidated pay initially, but was later placed in the time scale of pay. His services were treated as purely temporary. Based on the proceedings of the 3rd respondent dated 25.06.1997 the petitioner was informed that since he was appointed after 25.11.1993, notice was being issued asking him to show cause why his services should not be terminated and that objections, if any, on the subject may be submitted within 30 days from the date of receipt of the notice. Aggrieved thereby, the present writ petition.

Sri M. Vijay Kumar, learned counsel for the petitioner, would place reliance on an order of this Court in W.P. No. 16946 of 1997, dated 12.07.1996, wherein this Court held that the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1963 were not applicable to disciplinary proceedings in relation to office holders and servants of temples and other institutions and that the show cause notice which was issued making a reference to the said rules was required to be set aside. Learned counsel would also place reliance on an order of this Court, in W.P. No. 327 of 1996 dated 14.10.1996, wherein this Court held that since G.O.Ms. No. 212 dated 22.4.1997

was not applicable, the respondents authorities could not withhold regularization of the services of the petitioners therein on the ground of non-fulfillment of any conditions prescribed in the said G.O. The authorities were directed to consider the case of the petitioners for regularization subject to the rule of reservation.

Sri M. Vijay Kumar, learned counsel for the petitioner would submit that since G.O. Ms. No. 212 dated 22.04.1997 did not apply to the third respondent-institution, failure of the petitioner to comply with the conditions stipulated therein could not result in his being denied the benefits of regularization.

Once it is held that the scheme of regularization, as enunciated in G.O. Ms. No. 212, dated 22.04.1994, was not applicable, the question that falls for consideration is whether the petitioner, who was appointed on a temporary basis, was entitled to continue in service or to have his services regularized.

As has been held in **Secretary, State of Karnataka and others v. Umadevi and others**[1], no right to seek regularization accrues in employees engaged on daily wages/temporary basis. In the absence of any regularization scheme made applicable to him, and inasmuch as the petitioner herein has no right to claim regularization, the impugned show cause notice cannot be faulted. It is also well settled that unless the show cause notice is issued by an authority incompetent to do so or is without jurisdiction, this Court would not interfere in proceedings under Article 226 of the Constitution of India.

For all the aforesaid reasons, the writ petition fails and is, accordingly, dismissed. However, in the circumstances, without costs.

RAMESH

RANGANATHAN, J
Dated: 08-02-2007
vp

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[1] 2006 (4) SCC-1